

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

RANDY PEREZ,

Plaintiff,

v.

CERVANTES, *et al.*,

Defendants.

Case No. 1:22-cv-00390-ADA-BAM (PC)

ORDER GRANTING REQUEST FOR CASE  
STATUS AND DIRECTING CLERK OF  
COURT TO SERVE COPY OF DOCKET  
SHEET AND CASE DOCUMENTS

(ECF No. 23)

Plaintiff Randy Perez (“Plaintiff”) is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s first amended complaint against Defendant Cervantes for excessive force in violation of the Eighth Amendment.

On November 9, 2022, Plaintiff filed a motion requesting the status of this action. (ECF No. 23.) Plaintiff states that the last document he received for this action was ECF No. 16, which was 66 days prior. Plaintiff requests that the Court inform him of the current or last document number in the case, as he is concerned that he has missed a deadline in this action. (*Id.*)

Plaintiff is reminded that parties are required to keep the Court informed of the party’s current address, and the Court will then provide notice of all actions which might affect the case as soon as an action is taken in the case. Generally, the Court will not respond in writing to individual inquiries regarding the status of a case. (ECF No. 3, pp. 3–4.) However, the Court will make a one-time exception.

On August 19, 2022, the Court received Plaintiff’s notice of his willingness to proceed only on the cognizable claim against Defendant Cervantes. (ECF No. 17.) The undersigned then issued findings and recommendations to dismiss all other claims and defendants from this action due to failure to state a claim. (ECF No. 18.) The case was reassigned to District Judge Ana de Alba. (ECF No. 19.) On November 3, 2022, Judge de Alba adopted the findings and

1 recommendations in full and ordered that this action proceed against Defendant Cervantes. (ECF  
2 No. 20.)

3 On November 4, 2022, the undersigned ordered the United States Marshal to initiate  
4 service on Defendant Cervantes pursuant to the Court's E-Service pilot program. (ECF No. 21.)  
5 A summons was issued as to Defendant Cervantes the same date. (ECF No. 22.)

6 The next filing received by the Court was Plaintiff's motion for case status. (ECF No.  
7 23.) At no time did the Court receive any notice of returned or undelivered mail, and it appears  
8 that Plaintiff remains housed at Wasco State Prison, where all of the correspondence in this action  
9 has been sent. Plaintiff should continue to keep the Court informed of any changes to his current  
10 address while this action remains pending.

11 As it appears Plaintiff has not received mail from the Court since approximately August  
12 2022, the Court will direct the Clerk of the Court to provide a copy of the docket sheet in this  
13 action and additional copies of the Court's orders. At this time, there are no pending deadlines  
14 that require a response from Plaintiff. Defendant Cervantes is being served pursuant to the  
15 Court's E-Service pilot program, and Plaintiff is not required to take any action to serve  
16 Defendant Cervantes unless otherwise ordered by the Court.

17 Accordingly, IT IS HEREBY ORDERED as follows:

- 18 1. Plaintiff's motion for case status, (ECF No. 23), is GRANTED, as discussed above;  
19 2. The Clerk of the Court is directed to serve the following on Plaintiff at his current address  
20 of record:  
21 a. A copy of the public docket sheet for this action; and  
22 b. Docket Numbers: 18, 20, and 21.

23  
24 IT IS SO ORDERED.

25 Dated: November 16, 2022

26 /s/ Barbara A. McAuliffe  
27 UNITED STATES MAGISTRATE JUDGE  
28